

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**ROBERT B. KUGLER
UNITED STATES DISTRICT JUDGE**

**MITCHELL H. COHEN U.S. COURTHOUSE
1 John F. Gerry Plaza – Room 6040
Camden, NJ 08101
856-757-5019**

September 6, 2019

TO: ALL COUNSEL

Re: United States v. Frank Nucera, Jr.
Crim. No. 17-532 (RBK)

Dear Counsel:

Enclosed is the final version of the written juror questionnaire that will be used in this case. It incorporates the changes that were discussed at the hearing on September 5, 2019.

Thank you.

Very truly yours,

s/Robert B. Kugler

**ROBERT B. KUGLER
United States District Judge**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

UNITED STATES OF AMERICA,

Plaintiff,

Crim. No. 17-532 (RBK)

V.

FRANK NUCERA, JR.,

Defendant.

WRITTEN JUROR QUESTIONNAIRE

Juror No. _____

Jury Questionnaire

United States v. Frank Nucera, Jr. – Crim. No. 17-532 (RBK)

Instructions:

You are being considered for jury service on a criminal case involving charges against defendant Frank Nucera, Jr. The Defendant is charged with assault, in violation of the Hate Crimes Prevention Act, 18 U.S.C. § 249(a)(1); deprivation of rights under color of law, in violation of 18 U.S.C. § 242; and making false statements to the FBI, in violation of 18 U.S.C. § 1001(a)(2). At the time of the events at issue, the Defendant was the Chief of the Bordentown Township Police Department. The charges are based on the Defendant's alleged use of excessive force during the arrest of a young African American man, as well as various statements about the victim and other African Americans he is alleged to have made.

It is important to remember that the Defendant has denied these charges and has pleaded not guilty. The Defendant, like all defendants in this county, is presumed to be innocent of all charges made against him unless and until the Government proves his guilt beyond a reasonable doubt. It is the law of this country that no defendant needs to testify at trial.

In order to save time, the Court has decided to submit certain questions to you in the form of a questionnaire, rather than asking you these questions in open court. The questions are designed only to aid the Court and the lawyers in selecting a fair and impartial jury and not to pry unnecessarily into your personal life. Your answers must be true and complete and will be used only for purposes of selecting a jury in this action.

Do not discuss the questions or answers to these questions with your fellow jurors; it is very important that your answers be your own individual answers. Do not discuss this case with any of your fellow jurors or with anyone else. That means that you should not talk about this case with your friends, family, and co-workers; nor should you communicate about this case through social networking sites, such as Facebook, LinkedIn, Twitter, Tumblr, Instagram, or any other communication source. Do not read anything about the case, watch anything on television about the case, or listen to anything on the radio about the case should it be covered by any media. Do not conduct any research about this case or the participants in this trial, including through the use of the internet. What you learn about the case you will learn in court only.

Where indicated, check the line for "Yes" or "No." Provide answers, explanations, or details in the spaces provided. If you need additional space to answer any question, use the last page of the questionnaire, and state the question number. Do not write on the back of any page.

Juror No. _____

I. BACKGROUND

1. Name: _____

2. Age: _____

3. Gender: _____

4. Place of birth: _____

5. County of residence: _____

6. Your town or neighborhood: _____

7. Which of the following applies to your primary residence?

☐ Own

☐ Rent

☐ Live in parents'/family home

☐ Other

8. What is your current employment status?

☐ Working full-time

☐ Working part-time

☐ Unemployed

☐ Homemaker

☐ Retired

☐ Disabled

☐ Student

9. If employed, what is your primary occupation or employment? _____

10. What is the name of your employer? _____

11. How long have you worked for that employer or been in that occupation? _____

12. What are your job responsibilities? _____

Juror No. _____

13. Please list any other jobs you have held in the past 10 years: _____

14. Do you now, or have you previously, supervised other individuals? _____ YES _____ NO

If YES, how many other individuals do you, or did you, supervise? _____

15. Please indicate your level of education (check all that apply)

☐ Did not graduate from high school (highest grade completed: _____)

☐ High school diploma or GED

☐ Vocational or trade school

☐ Some college classes

☐ Two year (Associate) degree

☐ College graduate (Bachelor degree)

☐ Some graduate school

☐ Graduate degree

16. If you attended school beyond high school (college, graduate school, technical education),
what school did you attend and what did you study? _____

17. Have you ever served in the military? _____ YES _____ NO

If YES,

a. When? _____

b. In what branch did you serve? _____

c. What was your rank? _____

d. Were you honorably discharged? _____ YES _____ NO

Juror No. _____

18. Are you married, living with a partner, or in a relationship? _____ YES _____ NO

If YES, please answer:

a. What is his/her primary occupation or employment? _____

b. What is the name of his/her employer? _____

c. How long has he/she worked for that employer or been in that occupation? _____

d. What are his/her job responsibilities? _____

19. Do you have any children? If YES, please provide their ages, schools, and/or employers:

20. Do you have any physical or personal disability, hardship, or problem, or is there anything that would make it difficult or impossible for you to serve as a member of this jury, or that would need an accommodation by the Court? _____ YES _____ NO

If YES, please explain: _____

21. Are you now, or have you recently been, under a doctor's care for mental, emotional, or substance abuse problems? _____ YES _____ NO

Juror No. _____

22. Are you now taking, or do you anticipate taking, any medication that might, in any way, affect your attention or your ability to concentrate, understand, consider, and weigh the evidence in this case? _____ YES _____ NO

If YES, please explain: _____

23. Do you have any difficulty with your sight or hearing that could affect your perception of the proceedings? _____ YES _____ NO

If YES, please explain: _____

24. Do you have any difficulty understanding or reading the English language?

_____ YES _____ NO

If YES, state whether English is your primary language, and state what is the nature of your difficulty: _____

25. Do you have any religious, philosophical, or other beliefs that would make you unable to render a verdict for reasons unrelated to the law or evidence? _____ YES _____ NO

If YES, please explain: _____

Juror No. _____

26. List any civic, social, religious, political, or professional organizations, clubs, or associations to which you belong or volunteer your time: _____

27. What are your hobbies or interests outside of work and family? _____

28. Please provide the names of any newspapers, magazine, online news services, websites, or other publications that you read regularly: _____

29. Please provide the names of any radio, television, or internet programs, including podcasts, that you listen to or view regularly: _____

30. What was the last book that you read?

31. What bumper or window stickers or magnets are affixed to your personal vehicle(s)?

Juror No. _____

32. Do you regularly watch, listen to, or read legal dramas/thrillers? _____ YES _____ NO

33. Have you ever served as a juror in the federal, state, or county courts? _____ YES _____ NO

If YES, please state:

a. Where, when, and what type of case? _____

b. Whether that jury reached a verdict (do not tell us what that verdict was):

_____ YES _____ NO

c. Would you be able to judge the facts of this case fairly and impartially based on the evidence presented in this Court and in the context of the law as this Court instructs you without reference to anything you might have heard as a result of your past participation as a juror in another case? _____ YES _____ NO

34. Have you ever served as a grand juror? _____ YES _____ NO

If YES, do you understand that the burden of proof which the prosecution must meet at a criminal trial is higher than the burden of proof before a grand jury? _____ YES _____ NO

35. Do you understand that the burden of proof which the prosecution must meet in a criminal case is higher than the burden of proof in a civil case? _____ YES _____ NO

36. Do you have any concerns or reservations about the Judge's instruction that a defendant in a criminal case has no obligation or duty to testify or to otherwise explain his side of the case?
_____ YES _____ NO

If YES, please explain: _____

Juror No. _____

37. Do you have any thought that a person charged with a crime is likely guilty?

_____ YES _____ NO

If YES, please explain: _____

II. CASE-SPECIFIC

38. Please describe in detail everything you believe you may have read, seen, or heard about the incident, the case, or any of the people involved: _____

39. Which of the following sources, if any, have provided you with information about this case?

☐ None ☐ Television ☐ Newspaper ☐ Radio ☐ Internet ☐ Word of Mouth ☐ Other

40. Have you ever discussed this case with friends, family, or coworkers? _____ YES _____ NO

If YES, please explain: _____

Juror No. _____

41. If you are familiar with the allegations involving the Defendant, either from press reports or any other source, have you formed any opinions about the conduct described?

____ YES ____ NO

If YES, what are your opinions? _____

42. Have you heard about any other cases or events in the media that you think are similar to this case? ____ YES ____ NO

If YES,

a. Where did you hear about those other matters? _____

b. What were your opinions about those other matters? _____

c. Do you believe that what you heard/read/saw in those cases/matters may impact the way you view evidence in this case? ____ YES ____ NO

If YES, why? _____

Juror No. _____

43. Do you know, or have you had any dealings, personal or business, with Frank Nucera, Jr., or with any relative or friend of Nucera's? ____ YES ____ NO

If YES, please explain: _____

44. Do you have any opinions about the Bordentown Township Police Department?

____ YES ____ NO

If YES, please explain: _____

45. Have you or a close friend or relative had any interactions with officers from the Bordentown Township Police Department? ____ YES ____ NO

If YES, please explain: _____

46. Do you believe that any experiences with or opinions of the Bordentown Township Police Department you listed above may affect your decisions in a criminal case involving

Bordentown Township Police Department police officers and witnesses? ____ YES ____ NO

If YES, please explain: _____

Juror No. _____

47. Frank Nucera, Jr. is represented by Attorney Rocco C. Cipparone, Jr. The government is represented by the United States Attorney for the District of New Jersey, who is Craig Carpenito. The conduct of the trial will be in the immediate charge of Assistant United States Attorneys Molly Selzer Lorber and R. Joseph Gribko. Also at the government's table during the trial will be their paralegal, David Banas, and seated behind them will be Special Agents of the Federal Bureau of Investigation, including Arthur Durrant and Vernon Addison.

- a. Do you know or have you had any dealings, personal or business, with any of these individuals? ____ YES ____ NO
- b. Have you or any relative or close friend ever been employed by or had dealings with any of the parties, entities, or individuals listed above? ____ YES ____ NO

If YES to either of the above questions, please explain: _____

Juror No. _____

48. Do you or anyone you know have any connections with the following governmental entities, agencies, or law firms?

- ☐ United States Federal Government
- ☐ United States Attorney's Office
- ☐ Bordentown Township Police Department
- ☐ Bordentown Township
- ☐ Bordentown City Police Department
- ☐ Federal Bureau of Investigation
- ☐ United States Department of Justice
- ☐ Law Offices of Rocco C. Cipparone, Jr.

49. The individuals or entities listed on Attachment A may be called as witnesses, or their names may come up during the trial. Please **circle** any name on Attachment A if you know, or if you have had any dealings, personal or business, with that person or entity.

IF YOU CIRCLED ANY NAMES ON ATTACHMENT A, please explain your

knowledge of or dealings with that person(s) or entity(ies): _____

Juror No. _____

50. Do you know or have you had any dealings, personal or business, with any employee of the United States Department of Justice, the United States Attorney's Office for the District of New Jersey, or the Federal Bureau of Investigation? _____ YES _____ NO

If YES, please explain: _____

51. Have you, your family members, or your close friends ever worked for the government in any capacity? _____ YES _____ NO

If YES, please explain: _____

52. Are you or any member of your family related to, a close friend of, or employed by anyone in any county, state, federal, or local law enforcement agency? _____ YES _____ NO

If YES, please state:

a. What is your relationship to this person? _____

b. Have you engaged in discussions with regard to their work as a law enforcement officer? _____ YES _____ NO

c. Would your relationship or conversations with this individual in any way influence your consideration of this case so that you could not judge fairly and impartially the evidence presented to you? _____ YES _____ NO

53. Do you have any strong opinions about the FBI? _____ YES _____ NO

If YES, please explain: _____

Juror No. _____

54. Have you ever considered a career in law enforcement? _____ YES _____ NO

If YES, please explain: _____

a. What attracted you to such a career? _____

b. What were your reasons for not pursuing such a career? _____

55. Do you belong to, or have relatives or close friends who belong to, police auxiliary organizations or other organizations that support services for law enforcement agencies or officers? _____ YES _____ NO

If YES, please explain: _____

56. Have you or any relative or close friend ever been involved in any group or organization that reviewed and investigated complaints against law enforcement officers or agencies?

_____ YES _____ NO

If YES, please explain: _____

Juror No. _____

57. Have you or anyone you know ever been a member of – or had any connection with – any human rights or other social justice organization (e.g. American Civil Liberties Union (ACLU), Gay/Lesbian/Transgender rights, Prisoner rights, Women’s rights, Civil rights, Black Lives Matter, Immigrant rights, etc.)? _____ YES _____ NO

If yes, please state:

a. Was it you or someone you know? _____

b. Which organizations? _____

c. Please list any leadership roles you have or had in any of these organizations:

58. Do you have any strong opinions about human rights/social justice organizations?

_____ YES _____ NO

If YES, please explain: _____

59. Have you or any relative or close friend ever provided a statement to a law enforcement

officer as a witness to or victim of a crime? _____ YES _____ NO

60. Have you or any relative or close friend ever appeared as a witness in any investigation,

before any grand jury, or in any trial, whether civil or criminal, federal or state?

_____ YES _____ NO

Juror No. _____

61. Have you or any relative or close friend ever been charged with any crime or been the subject of any investigation? _____ YES _____ NO

If YES,

a. Would that experience affect your ability to be fair and impartial in this case?

_____ YES _____ NO

b. Would it otherwise make it difficult for you to sit as a juror in this case?

_____ YES _____ NO

62. Have you or any relative or close friend ever been a party to any lawsuit? ____ YES ____ NO

If YES, please explain: _____

63. Have you or any relative or close friend ever been the victim of a crime? ____ YES ____ NO

If YES, please explain: _____

a. Would that experience affect your ability to be fair and impartial in this case?

_____ YES _____ NO

b. Would it otherwise make it difficult for you to sit as a juror in this case?

_____ YES _____ NO

Juror No. _____

64. Have you, or any of your relatives, or any close friend ever been the victim of a racially motivated crime? _____ YES _____ NO

If YES, please explain: _____

a. Would that experience affect your ability to be fair and impartial in this case?

_____ YES _____ NO

b. Would it otherwise make it difficult for you to sit as a juror in this case?

_____ YES _____ NO

65. Have you, or any of your relatives, or any close friend ever been the victim of the excessive use of force by police? _____ YES _____ NO

If YES, please explain: _____

c. Would that experience affect your ability to be fair and impartial in this case?

_____ YES _____ NO

d. Would it otherwise make it difficult for you to sit as a juror in this case?

_____ YES _____ NO

Juror No. _____

66. Do you, or any of your relatives or close friends, have any legal knowledge or training in the law, including either formal education or informal experience such as working in a law firm, legal department, prosecutor's office, or in any other capacity? _____ YES _____ NO

If YES, please explain: _____

67. Would you be inclined to give more weight to the testimony of a law enforcement officer merely because he is a law enforcement officer? _____ YES _____ NO

Please explain: _____

68. Would you be inclined to give less weight to the testimony of a law enforcement officer merely because he is a law enforcement officer? _____ YES _____ NO

Please explain: _____

69. Would you be influenced by the religion, race, color, sex, or ethnic background of a witness in considering the believability of his or her testimony? _____ YES _____ NO

Juror No. _____

70. Do you know of any reason why you may be prejudiced for or against the government, for or against any witness, or for or against the defendant, because of the nature of the charges or otherwise? _____ YES _____ NO

If YES, please explain: _____

71. Have you or anyone close to you ever had a serious negative experience with a person of another race or ethnicity? _____ YES _____ NO

If YES, please explain: _____

72. Have you or anyone close to you ever been accused of racial or ethnic discrimination?

_____ YES _____ NO

If YES, please explain: _____

73. Have you or anyone close to you ever accused anyone of racial or ethnic discrimination?

_____ YES _____ NO

If YES, please explain: _____

Juror No. _____

74. Have you or anyone close to you ever been the victim of discrimination? ____ YES ____ NO

If YES, who was it and please explain the nature of such: _____

Would this experience impact your ability to serve as a completely impartial juror on a case involving an alleged racially motivated hate crime by a police officer? ____ YES ____ NO

Please explain: _____

75. Do you know anybody who has been the target of racial violence or attempted racial

violence? ____ YES ____ NO

If YES, please explain: _____

76. Do you have any opinions about laws that establish penalties for criminal acts that are

motivated by hatred or prejudice against race, color, or ethnicity? ____ YES ____ NO

If YES, please explain: _____

Juror No. _____

77. Would you have any difficulty serving as a completely impartial juror on a case in which a white police chief is accused of using unnecessary force against a black man during the arrest of the black man? _____ YES _____ NO

If YES, please explain: _____

78. Based on the brief description of the case that I provided to you, do you believe that the federal government should not be involved in cases of this nature? _____ YES _____ NO

If YES, please explain: _____

79. Do you have any feelings toward any racial or ethnic group that would cause you to judge a member of the group differently than you would judge a member of your own racial or ethnic group? _____ YES _____ NO

If YES, please explain: _____

80. Do you believe that discrimination against African Americans exists today in the United States? _____ YES _____ NO

81. Do you believe that discrimination against African Americans exists today in New Jersey? _____ YES _____ NO

Juror No. _____

82. To what extent do you agree or disagree with the belief held by some people that reverse discrimination toward whites is more common today than discrimination against racial minorities:

☐ Strongly agree ☐ Somewhat agree ☐ Somewhat disagree ☐ Strongly disagree

83. Do you use slang or racial slurs to describe people of another race or ethnicity?

_____ YES _____ NO

84. Does someone close to you use slang or racial slurs to describe people of another race or ethnicity? _____ YES _____ NO

85. Do you find the use of slang terms or racial slurs to describe race or ethnicity acceptable?

_____ YES _____ NO

86. It is not a crime for police officers to use language that involves racial slurs/derogatory names or profanity. Do you believe that it should be a crime for police officers to use language that involves racial slurs/derogatory names or profanity? _____ YES _____ NO

If YES, please explain: _____

87. Would you have difficulty being a completely impartial juror on a trial that involves rough language or profanity? _____ YES _____ NO

If YES, please explain: _____

Juror No. _____

88. Would you have any difficulty being a completely impartial juror in a trial that involves words used by the person charged that are racially derogatory, such as the "N word," or other racially derogatory words? _____ YES _____ NO

89. Do you believe that if someone uses racially charged derogatory words verbally, that such person would be inclined to act with physical aggression as well? _____ YES _____ NO

Please explain your thoughts in that regard: _____

90. Do you have any strong opinions about allegations against police officers accused of engaging in racially motivated abuse of or violence against minorities? _____ YES _____ NO

If YES, please explain: _____

91. To what extent do you agree or disagree with the belief held by some people that individuals of certain racial or ethnic groups are superior to individuals of other racial or ethnic groups:

☐ Strongly agree ☐ Somewhat agree ☐ Somewhat disagree ☐ Strongly disagree

92. Do you believe that the government has gone too far in advocating the rights of minorities in this country? _____ YES _____ NO

93. What contacts have you or your family had with the police or other law enforcement officers in which you feel the police mistreated you or your family member? _____

Juror No. _____

94. Do you have any concerns about the government prosecuting law enforcement officers?

_____ YES _____ NO

If YES, please explain: _____

95. Would you have any reluctance to judge the actions of an on-duty law enforcement officer?

_____ YES _____ NO

If YES, please explain: _____

96. Have you ever observed a police officer use force that you thought was excessive?

_____ YES _____ NO

If YES, please explain the circumstances and your reaction: _____

97. Do you believe that law enforcement officers generally use more physical force than necessary? _____ YES _____ NO

If YES, please explain: _____

98. Do you believe that a police officer should never use any force, regardless of the circumstances? _____ YES _____ NO

Juror No. _____

99. Do you believe that a police officer should always be permitted to use force, regardless of the circumstances? _____ YES _____ NO

100. If the government proves its case against the defendant beyond a reasonable doubt, would you hesitate to return a guilty verdict because he was a police chief? _____ YES _____ NO

101. If the government does not prove its case beyond a reasonable doubt, would you hesitate to return a verdict of not guilty because he was a police chief? _____ YES _____ NO

102. Do you know of any reason why you may feel bias for or against the government, for or against any witness, or for or against Frank Nucera, Jr., because of the nature of the charges or otherwise? _____ YES _____ NO

If YES, please explain: _____

103. In a group situation, if your opinion differs from the opinion of others in the group, would you express your opinion? _____ YES _____ NO

104. The trial in this case is expected to last between 2-3 weeks. Do you have any substantial scheduling limitations or commitments that would cause you to be unable to serve as a fair and impartial juror in this case during that time period? _____ YES _____ NO

If YES, please explain: _____

Juror No. _____

105. Is there anything that the court should know about that could potentially affect your ability to be a fair or impartial juror in this case? _____ YES _____ NO

If YES, please explain: _____

Please make certain your juror number is printed on the front page of the questionnaire and sign your name here:

Signature

Date

[illegible]